

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States, *et al.*

Defendants.

Case No. 1:25-CV-11221

**UNOPPOSED MOTION AND INCORPORATED MEMORANDUM OF LAW OF SAVE
LONG BEACH ISLAND, INC.
FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF**

Proposed Amicus Curiae Save Long Beach Island, Inc. respectfully moves for leave to submit a brief in support of Defendants' opposition to Plaintiff States' and Plaintiff-Intervenor Alliance for Clean Energy New York's motions for a preliminary injunction, CF Nos. 53, 55. As described below, Save Long Beach Island Inc.'s participation as amicus curiae would assist the Court in elucidating important legal and scientific errors (especially, with respect to the safety and efficacy of offshore wind) made by Plaintiffs in their motions and Complaint. For these and the following reasons, the Court should grant Save Long Beach Island Inc.'s motion for leave to file the amicus curiae brief.

Save Long Beach Island, Inc. is a 501(c)(3) non-profit corporation, of over 10,000 supporters, organized under the laws of New Jersey, and created to guard human and natural resources. These resources include, for example: marine mammals, fish, and other species that

inhabit, use, or migrate off the New Jersey and New York coasts; the aesthetic elements of Long Beach Island and the New York Bight; economic interests strongly tied to the maintenance of the environmental features comprising Long Beach Island and the New York Bight, *inter alia*. These resources, in particular, the marine mammals off the NJ and NY coasts, are (and will be) being harmed, harassed, and killed, in large part by the activities authorized by NMFS and BOEM in the waters of the NJ/NY Bight. These marine mammals, not only are exceptionally important to the oceanic ecosystems, but they also impart carbon dioxide mitigatory effects. Save Long Beach Island, Inc. (hereinafter, “Save LBI”) supporters have a legally protected interest in preserving the marine mammals, some of which, like the North Atlantic Right Whale, are critically endangered species.

Save Long Beach Island Inc.’s (“Save LBI”) proposed Amicus brief will assist the Court’s consideration of the preliminary injunction motions. The purpose of Save LBI’s desired amicus curiae intervention is manifold. First, the primary purpose is to continue to protect the sacrosanct marine ecosystem of the East Coast, especially the NY Bight, the migratory corridor of the North Atlantic Right Whale (already in danger and will be imperiled further if the Wind Directive is reversed), the lives of marine mammals, some of which are designated as depleted (Northern Migratory Coastal Bottlenose Dolphin) and endangered (North Atlantic Right Whale), and the concomitant interests of the Save LBI membership which will be inimically impacted if the Wind Directive were abrogated. In this brief, Save LBI endeavors to edify the Court regarding the scientific reality attendant the safety and efficacy of offshore wind, dispelling erroneous notions that offshore wind will substantially mitigate climate change (it will not) and does not devastate marine mammals (it does). Finally, Save LBI wishes to further elucidate critical legal errors that State Plaintiffs make in their Complaint and Motion for Preliminary Injunction.

Save LBI's brief is limited to 20 pages, in accordance with the local rules for this District Court. No party will be prejudiced by the filing of Save LBI's brief, as it is submitted before Defendants have responded in opposition to Plaintiffs' motions for preliminary injunction. Under Local Civil Rule 7.1(a)(2), counsel for Amicus Save LBI conferred with counsel for the Plaintiff States, Plaintiff-Intervenor, and Defendants. Plaintiff States, Plaintiff Intervenor, and Defendants all take no position. Finally, Save LBI affirms that no counsel for a party authored the attached brief in whole or in part, and no person other than Save LBI or their counsel made any monetary contributions intended to fund the preparation or submission of the brief. Fed. R. App. P. 29(a)(4)(E).

By: /s/ Thomas Stavola Jr. Esq.

Dated: 5/20/2025

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CERTIFICATE OF SERVICE & RULE 7.1 CERTIFICATION

I, Thomas Stavola Jr., certify that this document was filed through the CM/ECF system on May 20, 2025, and will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF). I also certify that on May 19, 2025, counsel for proposed amicus curiae Save Long Beach Island Inc., conferred with counsel for the Plaintiffs, Plaintiff-Intervenor, and Defendants. Plaintiff States, Plaintiff Intervenor, and Defendants all take no position.

/s/ Thomas Stavola Jr. Esq.
Thomas Stavola Jr. Esq.